

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: My resident, post office address, and citizenship are as stated below next to my name and that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CHARGE PUMP AND AUXILIARY PUMP FOR HYDROSTATIC TRANSMISSIONS AND INTEGRATED HYDROSTATIC TRANSAXLES.

I hereby state that I have reviewed and understand the contents of the above-referenced specification, including the claims, as amended by any amendment specifically referred to in this oath or declaration.

I acknowledge the duty to disclose information which is material to the examination of this patent in accordance with Title 37, Code of Federal Regulation, 1.56(a).

I hereby claim the benefit under 35 U.S.C. § 120 of United States Application Serial Nos. 08/451,162, filed May 26, 1995, and 08/394,144, filed February 24, 1995 and, in so far as the subject matter of each of the claims of this application is not disclosed in the prior United States Applications in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing dates of the prior applications and the national filing date of this application.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark office connected therewith.

Robert E. Browne (26,150)  
Thomas C. McDonough (33,734)  
Gary R. Jarosik (35,906)  
Mark R. Galis (36,805)

### **SEND CORRESPONDENCE TO:**

Thomas C. McDonough  
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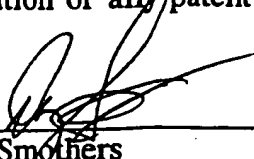
### **DIRECT PHONE CALLS TO:**

Gary R. Jarosik  
(312) 715-4773

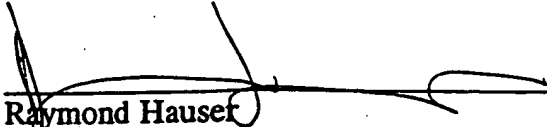
I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

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United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Daryl Smothers  
504 East Jackson Street  
Sullivan, Illinois 61951

AUGUST 20, 1996  
Date  
Citizenship: USA

  
\_\_\_\_\_  
Raymond Hauser  
Rural Route 3, Box 383  
Sullivan, Illinois 61951

AUGUST 20, 1996  
Date  
Citizenship: USA

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Hydro-Gear Limited Partnership

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: Herewith

Entitled: Hydraulic Drive Apparatus

Hydro-Gear Limited Partnership, a Partnership  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

29 Oct 2003  
Date  
217-728-7581  
Telephone number

LONNIE E. HOLDER  
Typed or printed name  
[Signature]  
Signature  
INTELLECTUAL PROPERTY MANAGER  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

Application Number	
Filing Date	
First Named Inventor	Daryl Smothers
Title	Hydraulic Drive Apparatus
Art Unit	
Examiner Name	
Attorney Docket Number	36400.04US7

I hereby appoint:

☒ Practitioners associated with the Customer Number:

25541

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

Address

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State

Zip

Country

Telephone

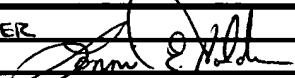
Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

## **SIGNATURE of Applicant or Assignee of Record**

Name	LONNIE E. HOLDER		
Signature			
Date	29 OCT 2003	Telephone	217-728-2581

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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